

11/07/02 12:32 FAX 415 397 7188

KEKER & VAN NEST

004/007

ORIGINAL
FILED

NOV 06 2002

1 KEKER & VAN NEST, LLP
JOHN W. KEKER - #49092
2 MICHAEL H. PAGE - #154913
710 Sansome Street
3 San Francisco, CA 94111-1704
Telephone: (415) 391-5400
4 Facsimile: (415) 397-7188

5 INTERTRUST TECHNOLOGIES CORPORATION
DOUGLAS K. DERWIN - #111407
6 MARK SCADINA - #173103
JEFF MCDOW - #184727
7 4800 Patrick Henry Drive
Santa Clara, CA 95054
8 Telephone: (408) 855-0100
Facsimile: (408) 855-0144

9 Attorneys for Plaintiff and Counter-Defendant
10 INTERTRUST TECHNOLOGIES CORPORATION

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14
15 INTERTRUST TECHNOLOGIES
CORPORATION, a Delaware corporation,
16
17 Plaintiff,

18
19 MICROSOFT CORPORATION, a
Washington corporation,
20
21 Defendant.

22 AND COUNTER ACTION.

Case No. C 01-1640 SBA (MEJ)

Consolidated with C 02-0647 SBA

[PROPOSED] FURTHER CASE
MANAGEMENT ORDER

Plaintiff's Counsel are directed to serve this
order upon all parties in this action.

23
24 On October 31, 2002, this Court conducted a further telephonic Case Management
25 Conference. Pursuant to that conference, the Court ORDERS:

26 SELECTION OF CLAIMS TO BE CONSTRUED

27 The following twelve claims have been selected to be the subject of a "mini-Markman"
28 and "indefiniteness" hearing:

1
[PROPOSED] FURTHER CASE MANAGEMENT ORDER
CASE NO. C 01-1640 SBA (MEJ), CONSOLIDATED WITH C 02-0647 SBA

Filed By
Fax & File

- 1 Patent No. 6,253,193 B1: Claims 1, 11, 15 & 19
- 2 Patent No. 6,157,721: Claims 1 & 34
- 3 Patent No. 5,917,912: Claims 8 & 35
- 4 Patent No. 5,920,861: Claim 58
- 5 Patent No. 5,982,891: Claim 1
- 6 Patent No. 6,185,683 B1: Claim 2
- 7 Patent No. 5,892,900: Claim 155

SCHEDULE

The Court adopts the following schedule:

Action to Be Accomplished	Date
Patent L.R. 4-1 exchange of proposed terms and claim elements for construction for the Twelve Selected InterTrust Patent Claims	11/08/02
Patent L.R. 4-2 exchange of preliminary claim constructions and extrinsic evidence for the Twelve Selected InterTrust Patent Claims	12/20/02
Last day for parties to meet and confer for the purpose of preparing joint claim construction statement for the Twelve Selected InterTrust Patent Claims	1/17/03
Parties to file Patent L.R. 4-3 joint claim construction statement for the Twelve Selected InterTrust Patent Claims	1/31/03
Further Telephonic Case Management Conference (regarding format and length of <u>Markman</u> hearing and briefing)	2/13/03 2:30 p.m.
Completion of claim construction discovery pursuant to Patent L.R. 4-4 for the Twelve Selected InterTrust Patent Claims (other than depositions of declarants)	2/28/03
File and serve opening claim construction brief(s) pursuant to Patent L.R. 4-5(a) for the Twelve Selected InterTrust Patent Claims	3/17/03
File and serve Motion(s) for Partial Summary Judgment (for one or more of the Twelve Selected InterTrust Patent Claims) on issue of indefiniteness under 35 U.S.C. § 112(2)	3/17/03
File and serve opposition brief(s) pursuant to Patent L.R. 4-5(b) for the Twelve Selected InterTrust Patent Claims	4/7/03
File and serve Opposition to any Motion for Partial Summary Judgment (for one or more of the Twelve Selected InterTrust Patent Claims) on issue of indefiniteness under 35 U.S.C. § 112(2)	

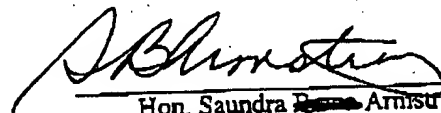
Action To Be Taken	Date
1 File and serve reply claim construction brief(s) pursuant to Patent L.R. 4-5(c) for the Twelve Selected InterTrust Patent Claims	4/21/03
2 File and serve Reply on any Motion for Partial Summary Judgment (for one or more of the Twelve Selected InterTrust Patent Claims) on issue of indefiniteness under 35 U.S.C. § 112(2)	4/21/03
3 Patent L.R. 4-6 claim construction hearing (and, possibly, technology tutorial) for Twelve Selected InterTrust Patent Claims and Motion for Partial Summary Judgment (for one or more of the Twelve Selected InterTrust Patent Claims) on issue of indefiniteness under 35 U.S.C. § 112(2)	May 12, 29, & 30, 2003
4 Further Case Management Conference	45 days after Ruling(s)

OTHER MATTERS DISCUSSED

The Court defers consideration of the format of the Markman and/or indefiniteness hearing, and of the length and number of briefs, to the February 13, 2003 Further Case Management Conference. The parties shall address these issues in their Further Case Management Conference Statement.

IT IS SO ORDERED.

DATED: November 5, 2002



Hon. Sandra R. Armstrong
United States District Judge

PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Keker & Van Nest, LLP, 710 Sansome Street, San Francisco, California 94111.

On November 7, 2002, I served the following document(s):

NOTICE OF ENTRY OF FURTHER CASE MANAGEMENT ORDER

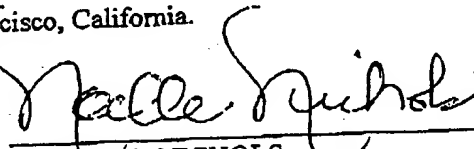
☒ by FACSIMILE TRANSMISSION (IKON) AND UNITED STATES MAIL, by placing a true and correct copy with IKON Office Solutions, the firm's in-house facsimile transmission center provider, for transmission on this date. The transmission was reported as complete and without error. A true and correct copy of same was placed in a sealed envelope addressed as shown below. I am readily familiar with the practice of Keker & Van Nest, LLP for collection and processing of correspondence for mailing. According to that practice, items are deposited with the United States Postal Service at San Francisco, California on that same day with postage thereon fully prepaid. I am aware that, on motion of the party served, service is presumed invalid if the postal cancellation date or the postage meter date is more than one day after the date of deposit for mailing stated in this affidavit.

Eric L. Wesenberg, Esq.
Mark R. Weinstein, Esq.
Orrick Herrington & Sutcliffe
1000 Marsh Road
Menlo Park, CA 94025
Telephone: 650/614-7400
Facsimile: 650/614-7401

John D. Vandenberg, Esq.
James E. Geringer, Esq.
Kristin L. Cleveland, Esq.
Klarquist Sparkman Campbell, et al.
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland OR 97204
Telephone: 503/226-7391
Facsimile: 503/228-9446

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 7, 2002, at San Francisco, California.


NOELLE S. NICHOLS